



DISTRICT COURT OF MARYLAND FOR Frederick County

Located at 100 West Patrick St, Frederick, Maryland 21701

Case No. D-111-CR-23-000148

STATE OF MARYLAND

VS.

SUMMERS, NICHOLAS WAYNE

17719 PERLITE WAY
FREDERICK, MD 21701-0000

CC#: 23-058011

Tracking No: 231001320104

Home phone: 240-483-9107 Cellphone:

Charge | Statute | Arrest

RAPE SECOND DEGREE | CR 3 304 |

SEX ABUSE MINOR: HOUSE/FAM | CR 3 602 (b)(2) |

Charge | Statute | Arrest

RAPE SECOND DEGREE | CR 3 304 |

SEX ABUSE MINOR: HOUSE/FAM | CR 3 602 (b)(2) |

Date: 07/24/2023

ARREST WARRANT

Warrant Control No. D230157141

STATE OF MARYLAND, Frederick County

TO ANY PEACE OFFICER:

An order of the court was entered on 07/24/2023, ordering the arrest of SUMMERS, NICHOLAS WAYNE to be brought before this court for an Initial Appearance.

YOU ARE ORDERED to immediately arrest the above-named person who resides or may be located at:
17719 PERLITE WAY, FREDERICK, MD 217010000.

IF THE DEFENDANT IS NOT IN CUSTODY FOR ANOTHER OFFENSE,

Initial appearance is to be held in county in which defendant is arrested.

YOU ARE FURTHER DIRECTED:

to immediately take this person before a judicial officer of the District Court; or if the warrant so specifies, before a judicial officer of the circuit court. An appearance by video satisfies the requirements of this directive.

to hold this person at _____ pending their appearance in the above-named court on the first sitting of the court following their apprehension.

IF THE DEFENDANT IS IN CUSTODY FOR ANOTHER OFFENSE, this warrant is to be lodged as a detainer for the continued detention of the defendant for the offense charged in the charging document. When the defendant is served with a copy of the charging document and warrant, the defendant shall be taken before a judicial officer of the district court; or if the warrant so specifies, before a judicial officer of the circuit court.

Specify other directions as needed

LOCAL DETENTION CENTER, JAIL OR BOOKING FACILITY: YOU ARE ORDERED to:

Receive from any officer the body of the above-named defendant who is COMMITTED TO YOUR CUSTODY.
 Transfer the defendant to: _____

Facility Name and Address

The defendant, once transferred, shall be taken without unnecessary delay, before this court during the next session to answer these charges.

Date: 07/24/2023 Time: 4:13 PM

D. Fogle, BD42

Commissioner

ID: BD42

Judge/Commissioner/Clerk of the Circuit Court

Description: Driver's License #

Race: W Sex: M Ht: 6' 01" Wt: 260 Hair: BRO Eyes:

DOB: 02/17/1982 FBI #

SID #

SSN _____

Complexion _____ Tattoos, Marks, Scars _____

Other _____

Given to Law Enforcement Agency: FREDERICK COUNTY SHERIFF'S DEPT

RETURN OF SERVICE

I certify that at _____ M on _____ at _____
 Time _____ Date _____, I executed this arrest warrant by arresting the person named above

and delivered a copy of the arrest warrant to them.

I left a copy of the warrant and charging document as a detainer for the continued detention of the person named above at: _____

Detention Facility

Address

Signature of Peace Officer

Title

Agency

Sub-Agency

ID Number

CC-DC-CR-142A(Rev. 11/2021)

COURT COPY



DISTRICT COURT OF MARYLAND FOR Frederick County

Located at 100 West Patrick St, Frederick, Maryland 21701



Case No. D-111-CR-23-000148

STATE OF MARYLAND

VS. SUMMERS, NICHOLAS WAYNE

COMPLAINANT:

Officer: PATTERSON, DET. J.
Agency/Subagency: ZJ 10
Officer ID: 0606

17719 PERLITE WAY
FREDERICK, MD 21701

CC#: 23-058011

SID:

FBI#:

LID:

DL#:

Race: W Sex: M Ht: 6' 1" Wt: 260
DOB: 02/17/1982 Home phone: 240-483-9107

Hair: BRO Eyes:
Cellphone:

STATEMENT OF CHARGES

UPON THE FACTS CONTAINED IN THE APPLICATION OF Officer: PATTERSON, DET. J. IT IS FORMALLY CHARGED THAT SUMMERS, NICHOLAS WAYNE at the dates, times and locations specified below:

NUM	CHG/CIT	STATUTE	PENALTY	DESCRIPTION OF THE CHARGE
001	2 1103	CR 3 304	20 Y	RAPE SECOND DEGREE On or About 05/01/2018 - 12/31/2018 5040 MERGANSER COURT FREDERICK COUNTY,MARYLAND ...did unlawfully commit a rape in the second degree upon NS, in violation of CR 3-304 of the Annotated Code of Maryland. Against the Peace, Government, and Dignity of the State.
002	2 1103	CR 3 304	20 Y	RAPE SECOND DEGREE On or About 05/01/2018 - 12/31/2018 5040 MERGANSER COURT FREDERICK COUNTY,MARYLAND ...did unlawfully commit a rape in the second degree upon NS, in violation of CR 3-304 of the Annotated Code of Maryland. Against the Peace, Government, and Dignity of the State.
003	1 0922	CR 3 602 ((b)(2))	25 Y	SEX ABUSE MINOR: HOUSE/FAM On or About 05/01/2018 - 12/31/2018 5040 MERGANSER COURT FREDERICK COUNTY,MARYLAND ... did cause sexual abuse to NS, a minor, the defendant being a household member of NS. Against the Peace, Government, and Dignity of the State.
004	1 0922	CR 3 602 ((b)(2))	25 Y	SEX ABUSE MINOR: HOUSE/FAM On or About 05/01/2018 - 12/31/2018 5040 MERGANSER COURT FREDERICK COUNTY,MARYLAND ... did cause sexual abuse to NS, a minor, the defendant being a household member of NS. Against the Peace, Government, and Dignity of the State.

NOTICE OF ADVICE OF RIGHT TO COUNSEL FOR ALL JUDICIAL PROCEEDINGS

TO THE PERSON CHARGED:

1. This paper charges you with committing a crime.
2. If you have been arrested and remain in custody, you have the right to have a judicial officer decide whether you should be released from jail until your trial.
3. If you have been served with a citation or summons directing you to appear before a judicial officer for a preliminary inquiry at a date and time designated or within five days of service if no time is designated, a judicial officer will advise you of your rights, the charges against you, and penalties. The preliminary inquiry will be cancelled if a lawyer has entered an appearance to represent you.
4. You have the right to have a lawyer.
5. A lawyer can be helpful to you by:
 - (A) explaining the charges in this paper;
 - (B) telling you the possible penalties;
 - (C) explaining any potential collateral consequences of a conviction, including immigration consequences;
 - (D) helping you at trial;
 - (E) helping you protect your constitutional rights; and
 - (F) helping you to get a fair penalty if convicted.
6. Even if you plan to plead guilty, a lawyer can be helpful.
7. If you are eligible, the Public Defender or a court-appointed attorney will represent you at any initial appearance before a judicial officer and at any proceeding under Rule 4-216.2 to review an order of a District Court commissioner regarding pretrial release. If you want a lawyer for any further proceeding, including trial, but do not have the money to hire one, the Public Defender may provide a lawyer for you. To apply for Public Defender representation, contact a District Court commissioner.
8. If you want a lawyer but you cannot get one and the Public Defender will not provide one for you, contact the court clerk as soon as possible.
9. **DO NOT WAIT UNTIL THE DATE OF YOUR TRIAL TO GET A LAWYER.** If you do not have a lawyer before the trial date, you may have to go to trial without one.

Contact information for District Court Commissioner's Offices can be found at:

<http://www.mdcourts.gov/district/directories/commissionermap.html>

If you require further information about qualifying for a Public Defender, call 1-833-453-9799.

NOTICE TO DEFENDANT

1. **MUST APPEAR** - If the offense with which you are charged is a 'MUST APPEAR' offense, you may not waive trial but are required to appear in court when notified. Drivers who receive payable citations included with a "Must Appear" citation automatically will receive a trial date notice for all citations. PLEASE NOTE THAT FAILURE TO APPEAR MAY RESULT IN A WARRANT FOR YOUR ARREST.
2. **PRESET FINE** - If ALL of your charges are marked "Payable", you must comply with one of the following within 30 days after receipt of the citation/summons.

OPTION #1 - Pay the full amount of the preset fine for each violation.

OPTION #2 - Request a waiver hearing regarding sentencing and disposition instead of trial - Plead Guilty With an Explanation. Do not send payment.

OPTION #3 - Request a trial date, time, and place established by the District Court of Maryland by writ or trial notice. Do not send payment.

Please note that payment of the preset fine will result in conviction for the offense(s) charged being entered against you and the case being closed. Please note further that points will be assessed by MVA on your driving record after conviction of a violation of the Motor Vehicle Laws of this State. Failure to pay the preset fine or to appear at trial, after notice, will result in the suspension of your driving privileges by the Motor Vehicle Administration.

FOR MORE INFORMATION AND TO PAY CITATIONS:

Visit the MD Judiciary Website at www.mdcourts.gov/district or call the Interactive Voice Response (IVR) System for trial dates, court locations, and directions.

From all areas including out-of-state calls: 1-800-492-2656
TTY users call Maryland RELAY: 711

I have read or have had read to me the contents of the above notice and acknowledge receipt of a copy thereof.

Date _____ Defendant _____

Date _____ Judge/Commissioner _____

IMPORTANT NOTICE

The attached papers charge you with committing a crime. Depending on the crime charged, a jail sentence could be imposed by the court if you are found guilty. You have a right to be represented at trial by a lawyer. ACT IMMEDIATELY to obtain a lawyer. If you cannot afford a lawyer, you may apply for the Public Defender through the District Court Commissioner who will determine if you are eligible for the Public Defender to represent you at trial. If you wait too long to retain the Public Defender or private counsel you can be made to stand trial without a lawyer. Applications are accepted at any District Court Commissioner's Office during operating hours. Please contact the office listed below for operating hours:

District Court Commissioner Station for Frederick County
7300 MARCIE'S CHOICE LANE
Frederick, MD 21704
1-833-453-9799

You should bring the following papers to apply for the Public Defender's services:

1. Court charging documents/traffic tickets. (Statement of Charges/all documents issued to you by court).
2. Trial date notices from the court. (You may apply even if no trial date has been received.)
3. If you are employed:
Written proof of salary, pay stubs, or other written verification of income for the last two pay periods.
4. If you are unemployed:
Proof of public assistance, medical assistance, Social Security or
Supplemental Security Income (SSI), or other assistance you are receiving.

For more information on operating hours or locations visit the Maryland Judiciary website:
mdcourts.gov/district/directories/commissionermap
If you require further information about qualifying for the Public Defender, call 1-833-453-9799.

IMPORTANT

IF THE COMMISSIONER DETERMINES THAT YOU ARE ELIGIBLE TO BE REPRESENTED BY THE PUBLIC DEFENDER AT TRIAL, YOU WILL RECEIVE A FINAL QUALIFICATION IN WRITING.
ONCE YOU HAVE RECEIVED THE FINAL QUALIFICATION, ALL QUESTIONS SHOULD BE DIRECTED TO THE PUBLIC DEFENDER'S OFFICE:

The address of the Public Defender is: **COURTHOUSE**

100 WEST PATRICK STREET
FREDERICK, MARYLAND 21701

Their telephone number is: **301-600-1988**

The Office of the Public Defender is open weekdays from 8:30 a.m. to 4:30 p.m.

I have read, or have had read to me, the contents of the above notice and acknowledge receipt of a copy thereof.

DATE

SIGNATURE OF DEFENDANT

**IF YOU DO NOT HAVE A LAWYER ON THE TRIAL DATE, YOU MAY
HAVE TO GO TO TRIAL WITHOUT THE ASSISTANCE OF A LAWYER.**

COURT COPY



DISTRICT COURT OF MARYLAND FOR Frederick County

LOCATED AT (COURT ADDRESS)
100 W. Patrick Street Frederick, MD 21701

D-111-CR-23-000148



COMPLAINANT

Detective J. Patterson
 Printed Name
 110 Airport Drive E
 Address
 Frederick, MD 21701 301-600-4218
 City, State, Zip Telephone
 ZJ, 10, #0606
 Agency, Sub-agency, and I.D. # (Officer Only)

DEFENDANT

Nicholas Wayne Summers
 Printed Name
 17719 Perlite Way
 Address
 Hagerstown, MD 21701 240-483-9107
 City, State, Zip Telephone
 CC# 23-058011

DEFENDANT'S DESCRIPTION: Driver's License # MD10272246782 MD) Sex M Race White Ht 6'01 Wr 260
 Hair Brown Eyes Complexion Fair Other DOB 02/17/1982 ID

APPLICATION FOR STATEMENT OF CHARGES

Page 1 of 4

(Include a statement of facts within your personal knowledge (what you saw or heard, what someone said to you, etc.) showing that there is probable cause to believe that a crime has been committed and that the defendant has committed it. Please see the "NOTICE TO APPLICANT FOR A CHARGING DOCUMENT" for further information.)

I, the undersigned, apply for a statement of charges and a summons or warrant which may lead to the arrest of the above named defendant because on or about May-December 2018 at 5040 Merganser Ct Frederick, MD 21703
 Date Place
 Frederick County, Maryland, , the above named defendant

See continuation.

(Continued on attached 3 pages) (DC-CR-001A)

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

07/24/23

Date

Officer's Signature

Detective J. Patterson #0606

Printed Name

I have read or had read to me and I understand the notice on the back of this form.

Date

Applicant's Signature

Printed Name

Subscribed and sworn to before me, JULY 24, 2023 at 4:00 AM/PM

Date

Time

Judge/Commissioner

Commissioner

ID Number

I understand that a charging document will be issued and that I must appear for trial on _____
 at _____, when notified by the clerk, at the court location shown at the top of this form.
 Time

Applicant's Signature

 The applicant requests reasonable protection for safety of the alleged victim or the victim's family:

(Describe)

- I have advised applicant of the right to request shielding. The applicant declines shielding.
 I declined to issue a charging document because of lack of probable cause.

Date

Commissioner

ID Number



DISTRICT COURT OF MARYLAND FOR Frederick County

LOCATED AT (COURT ADDRESS)

100 West Patrick Street
Frederick, MD, 21701DISTRICT COURT
CASE NUMBER

(City/County)

DEFENDANT'S NAME (LAST, FIRST, M.I.)

Summers, Nicholas W

APPLICATION FOR STATEMENT OF CHARGES (CONTINUED) Page 2 of 4

On 5/25/2023 at approximately 1915 hours, DFC Cregger, was dispatched to make contact with a mother who will be known as "LC", regarding a past sexual assault on a minor. The sexual assaults happened at 5040 Merganser Ct, Frederick, Frederick County, MD 21703,

DFC Cregger made contact with LC via cell phone and she advised her daughter, who will be known as "NS", made a social media post about her trauma she has experienced in the past. This made NC become very concerned so she asked NS about it. NS advised that from 2015 to 2018, LC's ex-boyfriend Nicholas Summers would sexually assault her. LC asked NS how she was assaulted and NS advised Summers would rub her vagina whenever he wanted to. NS also advised that when she would ask Summers for a snack he would make her perform oral sex on him before getting the snack. LC advised she had no idea of this occurring until seeing the social media post. NS advised her mother that the incidents would happen while her mother was at work. LC broke up with Summers in December of 2018, which was also the last time the assault occurred. When the assaults started, they were all were living in Gaithersburg, but moved to 5040 Merganser court in Frederick with Summers.

Det. Abbasian was initially assigned as the primary investigator, and attended a forensic interview of NS at the Frederick County Child Advocacy Center on 06/06/23. Det. Patterson was later assigned as the primary investigator and watched the interview and observed the following information:

NS appeared very nervous, spoke in a low voice and paused frequently in between answers, as the conversation noticeably made her feel uncomfortable. NS stated she lived at 5040 Merganser Court in Frederick with her mother, younger sister and her mother's boyfriend, who she identified as Nicholas Summers.

NS disclosed that Summers showed her his penis, and that she saw his penis multiple times. NS disclosed that when she would ask Summers for a piece of candy, he would tell her she needed to perform oral sex on him. NS disclosed that she did perform oral sex on Summers. While doing so, Summers would tell her that she is not allowed to tell anyone. NS stated that this happened a lot when she would ask for things from Summers. She specifically said she remembers performing oral sex on Summers in Frederick a couple times, but did not remember a certain number.

NS also disclosed that on one occasion, Summers wanted her to perform oral sex on him. As she was performing oral sex Summers, he took off her underwear and pants, picked her up and started "licking" her. NS stated that Summers licked her vagina, and that this occurred in Frederick County on Merganser Court.

NS disclosed the last time the abuse happened was when Summers was moving out December of 2018. Summers was saying goodbye to her when he was moving out, he took out his penis and had NS say goodbye to his penis. NS stated she didn't make physical contact with his penis on this occasion, but that she did see it.

After the interview with NS, Det. Abbasian spoke with LC. She stated that her and Summers moved to Frederick in May of 2018, and that Summers moved out either late November or early December of 2018. LC stated that Summers would babysit both NS and her other young child when she was at work. It is noted, NS was aged 6-10 years old during the ongoing abuse by Summers.

07/24/23

Date

Applicant's Signature

Detective J. Patterson #0606

Printed Name

Tr.#231001320104



DISTRICT COURT OF MARYLAND FOR Frederick County

LOCATED AT (COURT ADDRESS)

100 West Patrick Street
Frederick, MD, 21701

(City/County)

DISTRICT COURT
CASE NUMBER

DEFENDANT'S NAME (LAST, FIRST, M.I.)

Summers, Nicholas W

APPLICATION FOR STATEMENT OF CHARGES (CONTINUED) Page 3 of 4

On 07/21/23, at approximately 1100 hours, Summers responded to the Hagerstown Police Department at 50 North Burhans Blvd, and met with the Det. Patterson in a interview room. Upon the start of the interview, Det. Patterson told Summers the room was audio and visually recorded. Summers was explained he was not under arrest, he was free to leave at any point and Summers agreed on his own free will to come and be interviewed. Summers agreed to these facts. Det. Patterson asked for Summers identification and he provided so and confirmed to be the same suspect previously mentioned in this incident.

At the start of the interview, Det. Patterson asked about Summers past residences. He stated he lived in Frederick with his ex-girlfriend LC. Det. Patterson asked what street he lived on in Frederick with LC, and he said it was called Mergauser. He stated they lived in Frederick together for a year or two and then lived in Gaithersburg together for a few years. He stated he and LC were together for five years and the relationship ended in 2018. LC's young daughter's NS and another juvenile, lived with Summers through-out the five-year relationship. Summers stated LS was five when Summers moved in with LC in Gaithersburg.

Summers admitted to watching the children on his own. He also admitted to giving them candy as an incentive for doing chores around the house. Det. Patterson asked if NS had ever seen Summers naked. Summers admitted to NS accidentally seeing he and her mother when they were having sex in Gaithersburg. Det. Patterson asked Summers if NS had ever asked him about private parts. Summers said NS asked him about a young boy running around without pants on and NS asked why "his was different". Summers claimed he told NS to ask her mother. Det. Patterson asked if Summers bathed the children and he said just the younger child but not NS.

Summers was asked if he slept naked or with clothes and he said either with boxers or naked. When first asked if NS ever saw or touched Summers penis, he was defensive and said no. Summers was told NS had recent memories of seeing an adult penis and if there was anything Summers could say to help. He said "not that he was aware of". Summers was asked if NS or her sister had ever touched his penis and he shook his head, hesitated and said no and then "not that I recall".

Summers was asked if it was possible NS could have touched his penis even by accident and he said "it could have happened". He then said NS could have brushed up against it but when he was clothed. Summers was asked if his penis was ever near her mouth and he replied, "we never played like that". Summers was told NS said he sexually abused her and he said "she must have been hurt somewhere". Summers then said NS might have seen him naked sometime and he felt upset over these accusations because he thought of her as a daughter.

Det. Patterson told Summers he needed to discuss what has happened in Frederick and Det. Patterson knows NS touched his penis and wanted to know when. Summers said "I'm trying to think dude.. I don't, I don't... I don't have a year". Summers eventually confessed to NS touching his penis two times in Frederick.

Summers claimed the first time he was sitting down and playing video games and NS was beside him. Summers was wearing boxer shorts with a slit in it. NS dropped a phone and she went to grab it and two fingers slipped into his boxers and touched his bare penis on the shaft area. Summers also claimed NS's fingers got caught in his underwear. NS asked Summers why his part was different than his. Summers told NS to ask her mother. Summers was asked if he told NS's mother and he said no because he did not want to embarrass NS and it was an accident.

07/24/23

Date

Applicant's Signature

Detective J. Patterson #0606

Printed Name

Tr.# 231001320104



DISTRICT COURT OF MARYLAND FOR Frederick County

(City/County)

LOCATED AT (COURT ADDRESS)

100 West Patrick Street
Frederick, MD, 21701DISTRICT COURT
CASE NUMBER

DEFENDANT'S NAME (LAST, FIRST, M.I.)

Summers, Nicholas W

APPLICATION FOR STATEMENT OF CHARGES (CONTINUED) Page 24 of 4

Summers stated the second incident was when he was showering. He was shampooing his hair and NS came into the bathroom and grabbed his penis. Summers was asked if he got an erection from this and he replied, "not that I am aware of". Summers said when these incidents happened, he was 34 years old. Summers also admitted to NS walking in on him masturbating in his bedroom.

At first, Summers denied NS ever putting her mouth on his penis. Det. Patterson asked Summers if it was possible NS could have put her mouth on his penis when he was sleeping in Frederick. He said it takes a lot to wake him up, and "I would hope that is not the case, but I guess that's possible", and "we never really locked doors". Summers also stated one time he thought he was being touched and woke up and no one was there. Det. Patterson asked if NS put her mouth on his penis, would it have been her initiating it, and he said "Yeah I guess".

Due to the above mentioned information, Det. Patterson knows through his training, knowledge and experience as a Police Officer, Summers is minimizing what occurred and casting the blame on a young child. Summers admitted to numerous incidents which happened in Frederick and corroborated NS's disclosures in her CAC interview. Det. Patterson believes through his training, knowledge and experience as a Police Officer, Summers believes if he blames NS for initiating all incidents and acts as the victim, he will avoid ramifications for his behavior and sexual abuse of NS. Summers sexually abused NS between the months of May to December in 2018, which included receiving fellatio (oral sex) multiple times from NS, performing cunnilingus (oral sex) on NS, and intentionally showed his penis to her.

Det. Patterson requests Nicholas Wayne Summers be charged by the means of an arrest warrant with:

Two counts **Sex Abuse Minor** CR 3-602(b)(2) 1-0922
 One count **2nd degree rape** CR 3-304 2-1103
 One count **2nd degree rape-fellatio** CR 3-304 2-1103
 One count **2nd degree rape-cunnilingus** CR 3-304 2-1103

All events occurred in Frederick County, Maryland.

07/24/23

Date

Applicant's Signature

Detective J. Patterson #0606

Printed Name

Tr.#231001320104